

MINUTES OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

MYRNA I. JOHNSON vs. FRED MEYER STORES INCORPORATED
BEFORE THE HONORABLE RALPH R. BEISTLINE CASE NO. 1:04-CV-00008-RRB
DEPUTY CLERK/RECORDER: SAMANTHA LARK
APPEARANCES: PLAINTIFF: MARK C. CHOATE
DEFENDANT: JAMES R. DICKENS
PETER E. GRUENSTEIN

PROCEEDINGS: TRIAL BY JURY DAY - 4 HELD AUGUST 14, 2008:

At 8:19 a.m. court convened without jury panel present.

Court and counsel heard re defendant's Oral Motion to Dismiss
Case; **DENIED.**

Court and counsel heard re Video Deposition testimony and
rebuttal witness.

Court and counsel heard re plaintiff's Oral Motion to Reopen Case
and Call an Additional Witness; **GRANTED.**

At 8:40 a.m. the jury entered the courtroom.

Mary Hill sworn and testified on behalf of the plaintiff by video
deposition.

At 9:31 a.m. jury panel exited the courtroom.

Court and counsel heard re length of video deposition.

At 9:32 a.m. court recessed until 9:45 a.m. without the jury
panel present.

Court and counsel heard re hearsay issues re video deposition.

CONTINUED TO PAGE 2

DATE: August 14, 2008 DEPUTY CLERK'S INITIALS: sal

CONTINUATION - PAGE 2

MYRNA I. JOHNSON vs FRED MEYER STORES INCORPORATED

1:04-CV-00008-RRB

TRIAL BY JURY - DAY 4

AUGUST 14, 2008

At 9:48 a.m. jury panel entered the courtroom.

Mary Hill resumed the stand and testified further on behalf of the plaintiff by vide deposition.

At 10:43 a.m. jury panel exited the courtroom.

Court and counsel heard re witnesses and video deposition and length of trial day.

At 10:47 a.m. court recessed until 10:53 a.m. with the jury panel present.

Mary Hill resumed the stand and testified further on behalf of the plaintiff by video deposition.

Court addresses jury panel re trial day and admonishes the jury.

At 11:02 a.m. jury panel exited the courtroom.

Court and counsel heard re trial day.

At 11:03 a.m. court recessed until 1:59 p.m without jury panel present.

Court and counsel heard re witness testimony.

At 2:03 p.m. jury panel entered the courtroom.

CONTINUED TO PAGE 3

DATE: August 14, 2008 DEPUTY CLERK'S INITIALS: sal

CONTINUATION - PAGE 3

MYRNA I. JOHNSON vs FRED MEYER STORES INCORPORATED

1:04-CV-00008-RRB

TRIAL BY JURY - DAY 4

AUGUST 14, 2008

Court addresses jury panel re witness testimony, closing arguments, jury instructions and admonishes the jurors.

At 2:06 p.m. jury panel exited the courtroom to reconvene Friday, August 15, 2008 at 8:30 a.m.

Court and counsel heard re rebuttal witness, witness testimony and play back re testimony.

At 2:22 p.m. court recessed until 2:39 p.m. without jury panel present.

Court and counsel heard re play back testimony, voir dire of rebuttal witness and proposed jury instructions and jury verdict form.

At 3:18 p.m. court recessed until 3:37 p.m. without jury panel present.

Court and counsel heard re Proposed Jury Instructions.

At 3:46 p.m. court recessed this matter to reconvene Friday, **August 15, 2008 at 8:30 a.m.**

DATE: August 14, 2008 DEPUTY CLERK'S INITIALS: sal